



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/587,232

07/24/2006

Shaun David Green

1926-00119

4814

26753

7590

10/28/2008

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

EXAMINER

GROSSO, HARRY A

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

10/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,232	Applicant(s) GREEN, SHAUN DAVID	
	Examiner HARRY A. GROSSO	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-21 is/are rejected.
- 7) ☐ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/24/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 8 recites the limitation "the first side panel" in line 4. There is insufficient antecedent basis for this limitation in the claim. Claim 8 depends on claim 1 which does not recite a first side panel. It appears the intent is to refer to the first side wall and it will be read as such for the purposes of this action. Claims 9 and 10 depend on claim 8.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, 11-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassani (2003/0080125 A1, May 1, 2003) in view of Maus (GB 2 384 234 A) and Adams (6,640,944).
6. Regarding claim 1, Cassani discloses a collapsible container with a generally rectangular base (22), wherein element 22 becomes the base when the container of Cassani is used in an inverted orientation, first and second side walls (16, 18), opposed

Art Unit: 3781

end walls that have a central fold line, and a means for connecting the base panel to the second side wall (20, paragraph 0027). The base has a central hinge line and the walls overlie one area of the base panel when collapsed with the second area of the base folded along the hinge line and parallel to the first base area as seen in Figure 1.

7. Cassani does not teach both end walls collapse inwardly when the container is collapsed. Adams discloses a collapsible container with a full width compartment adjacent one of the end walls (Figure 1). Maus discloses a similar collapsible container with opposed end walls that collapse inwardly when the container is collapsed (Figures 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a full width compartment adjacent one end wall as disclosed by Adams in the container disclosed by Cassani and the use of inwardly collapsed end walls as disclosed by Maus in the container disclosed by Cassani to allow both end walls to collapse inwardly further reducing the size of the container in the collapsed state so it requires less storage area.

8. Regarding claims 11 and 12, Cassani discloses a connection strip hinged to the second side wall that fastens to the base using hook and loop fasteners (20, paragraph 0027). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the connection strip hinged to the base and fastening to the second side wall, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

9. Regarding claims 13-15, Cassini discloses internal transverse and longitudinal walls.

Art Unit: 3781

10. Regarding claim 16, Cassani discloses adhesively bonded strips fastening the transverse walls (34, Figures 4 and 5).

11. Regarding claim 18, Cassani discloses compartments in the container.

12. Regarding claim 19, Cassani discloses a carrying handle projecting from the base panel as seen in Figure 1.

13. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassani as modified by Adams and Maus in view of Frerking (2,803,084). Cassani as modified by Adams and Maus discloses the invention except for the end walls provided with a projecting tab on the end walls and a slot in the base for securing the walls in place. Frerking discloses a similar collapsible container with tabs (45, Figures 1-6) on the base and slots (55) in the end walls for securing the walls in the erect position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the projecting tab on the end walls and a slot in the base for securing the walls, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of tabs and slots as disclosed by Frerking in the container disclosed by Cassani as modified by Adams and Maus to secure the end walls in the erect position.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cassani as modified by Adams and Maus in view of Reckermann (DE 42 07 515 A1). Cassani as modified by Adams and Maus discloses the invention except for the transverse walls

Art Unit: 3781

are hinged to the side walls by tabs. Reckermann discloses a collapsible container with the transverse walls hinged to the side walls by tabs (Figures 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the transverse walls hinged to the side walls by tabs as disclosed by Reckermann in the container disclosed by Cassani as modified by Adams and Maus to provide an alternate means of securing the transverse walls that does not require the extra material of an adhesive strip.

15. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassani as modified by Adams and Maus in view of Francis (4,828,132). Cassani as modified by Adams and Maus discloses the invention except for the base panel and walls made from a double-walled corrugated plastic sheet. Francis discloses a collapsible container with walls made from double walled corrugated plastic sheets that increase resistance to bending (18, 18a, Figures 1-3, column 3, lines 5-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of double-walls corrugated plastic sheets as disclosed by Francis in the container disclosed by Cassani as modified by Adams and Maus to increase resistance to bending.

Allowable Subject Matter

16. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3781

17. Claims 8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRY A. GROSSO whose telephone number is (571)272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harry A. Grosso
/Harry A. Grosso/
Examiner, Art Unit 3781

hag